IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.375 OF 2006

FROM

CHAMBER SUMMONS NO.1446 OF 2005

IN

B.C.C. SUIT NO.7730 OF 1987

WITH

CIVIL APPLICATION NO.467 OF 2006

Pancharatna Co-op.Hsg.Soc.Ltd. ...Appellants

Versus

M/s.Shreejee Builders & Ors. ...Respondents

.....

Mr.Gabriel Pillai i/b Pillai & Co. for Appellants.

Mr.R.J.Majra i/b Wadia Ghandy & Co.

for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

JUNE 19, 2006.

P.C.

1. Heard Counsel for the parties.

2. The principal grievance to challenge the

order as passed by the lower Court which is impugned in this Appeal from Order is that on account of amendment of Plaint permitting the Plaintiff to change the name of Plaintiff from Shreejee Builders to Shreejee Developers, the issue as has been framed by the Trial Court on the basis of pleadings filed before that Court, in particular, issue No.4, will be rendered infructuous. The apprehension is misplaced. The fact that Shreejee Developers, which is the correct name of the Plaintiff is also reinforced from the Agreement for Sale entered into between the parties. The issue whether the Suit is bad being filed by the registered partnership or otherwise will have to be tried and decided by the Trial Court in view of amendment of the plaint. All questions in that behalf are left open.

3. Appeal and the accompanying Civil Application disposed of with above observation.

A.M.KHANWILKAR, J.